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SUBJECT: KOSOVO: MOSCOW HARD LINE SOFTENING IN NEW YORK?

Classified By: Ambassador Zalmay Khalilzad for Reasons 1.4 B/D.

¶1. (C) Russian Ambassador to the United Nations Churkin reiterated Moscow's official hard line on Kosovo to Ambassador Khalilzad, who replied that Moscow offers no basis for discussion. Churkin essentially agreed, suggesting that Ambassador Khalilzad and he leave aside red lines for the moment and try to think creatively. There followed a discussion on possible ways to bridge this gap that quickly came to focus on the 120-day phase-out of UNMIK envisioned in the settlement proposal of SYG Special Envoy Ahtisaari. Churkin suggested the 120 days be used also to compel Belgrade and Pristina to engage in intensive negotiations on all outstanding issues including final status. Ambassador Khalilzad said the USG would be willing to go very far to address Russian concerns during the 120 days provided that Russia allow immediate adoption of a resolution that would leave states free to recognize a sovereign Kosovo on day 120 plus one without further Security Council action. Churkin avoided a direct response but asked to meet with Ambassador Khalilzad after consulting with Moscow. END SUMMARY.

¶2. (SBU) Ambassador Khalilzad met at his residence on the evening of May 28 with Russian PermRep Vitaly Churkin to discuss Kosovo. Other participants were, for Russia, Deputy PermRep Igor Shcherbak and Political Officer Pavel Knyazav and, for USUN, Deputy Political Counselor.

¶3. (SBU) Ambassador Churkin presented Ambassador Khalilzad a copy of a May 25 letter from Serbian Foreign Minister Jeremic to UN Secretary-General Ban Ki-moon together with a two-page attachment (both e-mailed to IO/UNP and EUR/SCE) calling for "a new stage in negotiations" between Belgrade and Pristina. When Ambassador Khalilzad said that Ban had already delivered a copy of the letter to him in his capacity as Security Council President and that it seemed to contain nothing new, Churkin laughed and said, "well at least it shows that Belgrade continues to be willing to negotiate." He then brought out a Russian-language document which he said were instructions from Moscow. Frequently referring to the written text, Churkin recounted in English those instructions as follows:

-- I want to emphasize that we are against ambiguity that leaves open the possibility in the future regarding independence for Kosovo.
-- Ahtisaari (meaning the UNOSEK final documents) is one-sided and not approved by Belgrade.
-- The intra-Kosovo part of Ahtisaari is interesting -- although it would have to be clear that we are implementing rights for minorities within UNSCR 1244.
-- If Ahtisaari were put in force without such a clear understanding, it would set up an independent state.
-- We are OK with switching the EU for the UN and we are OK with a thorough review of benchmarks -- that's within Russia's approach -- if it's not interpreted as a context for

an independent Kosovo.

-- We could have the parties continue dialogue on a whole spectrum of topics -- but that would require a specific reference to status (i.e., status being undecided) -- otherwise we would end up with discussions about Kosovo's share of foreign debt and nothing more substantive.
-- We need an unambiguous reference to continuation of the status process and a reference to Serbia's new idea.
-- Our bottom line is that there can be no imposed solution.

14. (SBU) Ambassador Khalilzad replied that the Russian demarche provides no basis for closure. He said the presentation was disappointing because we had thought we might use ambiguity to allow different interpretations on, for example, the precedence issue or even on Ahtisaari, leaving you free to reject independence but "leaving us free to recognize Kosovo and to advocate for recognition by others." Khalilzad said, "we could deal with your concerns about minorities and displaced persons and dialogue, but (your presentation) leaves us too far apart."

15. (SBU) Churkin clearly understood that Moscow's instruction left no room for serious discussion and suggested that Ambassador Khalilzad and he put aside Moscow, Washington, and Brussels red lines for the moment and try to think creatively about ways to bridge this gap. Discussion quickly focused on the 120 days envisioned in Ahtisaari's proposal for the winding up of UNMIK's affairs and the transition to the International Civilian Representative (ICR) format.

16. (SBU) Churkin was interested in whether this period might also serve as a new Belgrade-Pristina negotiation period. Khalilzad replied that the new Serbian Constitution would seem to preclude Belgrade's good faith engagement, but added that we would have no objection to using the 120-day window

USUN NEW Y 00000416 002 OF 002

creatively. To Churkin's suggestion that status be left undecided during these 120 days, Khalilzad replied that states might be prevailed upon not to recognize Kosovo's independence during this transition provided that Russia clearly signaled at the outset that they would be free to recognize Kosovo on a "sunrise" basis on day 120 plus one.

17. (SBU) To Churkin's suggestion that UNSCR 1244 remain in force during this period, DepPol Counselor replied that the 1244 phase-out was relatively more important to the EU than to the USG, although we would need to phase-out obsolete provisions. Finally, when Churkin asked whether we would be open to Security Council involvement during the 120 days, DepPol Counselor said the draft resolution already called for a report from the ICR at 90 days, and Ambassador Khalilzad said we would probably have no objection to Security Council monitoring the transition provided the resolution we pass in the near future require no further Council vote or action before states could recognize Kosovo.

18. (C) COMMENT: Even during this exercise in thinking outside the box, Churkin never addressed the ambassador's repeated insistence that states be free to recognize Kosovo on day 120 plus one at the latest. With a Russian commitment of that nature, USUN would be inclined to recommend USG engagement in serious negotiations with our EU partners and Pristina to accommodate Russia with a view to an abstention. Without it, we remain at impasse. Churkin has asked to meet Ambassador Khalilzad again after consulting with Moscow.
KHALILZAD